Riches v. Swartz et al Doc. 8

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT
Lewis F. Powell, Jr. United States Courthouse Annex

1100 E. Main Street, Suite 501 Richmond, Virginia 23219-3517

Patricia S. Connor Clerk www.ca4.uscourts.gov

Telephone (804) 916-2700

September 17, 2007

NOTICE OF INTENT TO DISMISS **************

Jonathan Lee Riches FEDERAL CORRECTIONAL INSTITUTION WILLIAMSBURG #40948-018 P. O. Box 340 Salters, SC 29590

Re: 07-7248 Riches v. Swartz 7:07-cv-00379-sqw

Dear Mr. Riches:

Your application to proceed without prepayment of fees and consent to collection forms have not been received for filing.

Pursuant to Local Rule 45, the Clerk is required to notify you that this appeal will be dismissed unless, on or before 10/2/07, you have either filed your application to proceed without prepayment of fees and consent to collection forms with this Court or you have paid the full appellate filing and docketing fee to the district court.

If the appeal is dismissed pursuant to Local Rule 45, no assessments will be made against or collected from your prisoner trust account for this appeal.

Enclosed for your information is a copy of Local Rule 45, Dismissals for Failure to Prosecute.

Yours truly,

PATRICIA S. CONNOR Clerk

By: /s/ Sarah A. Carmichael
Deputy Clerk

Enclosure(s)

cc: Clerk, U. S. District Court

LOC. R.45 DISMISSALS FOR FAILURE TO PROSECUTE

When an appellant in either a docketed or non-docketed appeal fails to comply with the Federal Rules of Appellate Procedure or the rules or directives of this Court, the clerk shall notify the appellant or, if appellant is represented by counsel, appellant's counsel that upon the expiration of 15 days from the date thereof the appeal will be dismissed for want of prosecution, unless prior to that date appellant remedies the default. Should the appellant fail to comply within said 15-day period, the clerk shall then enter an order dismissing said appeal for want of prosecution, and shall issue a certified copy thereof to the clerk of the district court as and for the mandate. In no case shall the appellant be entitled to reinstate the case and remedy the default after the same shall have been dismissed under this rule, unless by order of this Court for good cause shown. The dismissal of an appeal shall not limit the authority of this Court, in an appropriate case, to take disciplinary action against defaulting counsel.